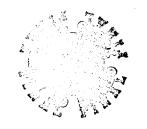
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DEDINANCE TO AMEND ORD	Dafe (Date	CERTIFIED
U-94-52, ADOPTED BY CITY COUNCIL	Hem D. Sterren	Chair	
OPERATION OF LAW SEPTEMBER 13, 1995	Actions		
PRIVATE SCHOOL, PROPERTY LOCATED	PdV, AdV, Heid (see rev. side)	rav, Aav, meta (see rev. side) Others	
AT //4 SPKINGDALE KOAD, N.E., FOR THE PURPOSE OF APPROVING A CHANGE	Mombers 5	Members	
OF CONDITIONS. OWNER: CURT AND CHRISTINE MANN	Los of the same		ATLANTA CITY COUNCIL PRESIDENT
APPLICANT: THE HOWARD SCHOOL, INC.	Jan Thurse		Total of the
	Refer To	Refer To	
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SEP 1 8 2000	Chair	Chair	Ret Ording Share
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CONTROL DEFE	Others	Others	MAYOR'S ACTION
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□ ADVERTISE & REFER □ 1st ADOPT 2nd READ & REFER			APPROVED
Date Referred $7/17/00$			SEP 2 7 2000
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	Refer To	Refer To	BY OPERATION OF LAW



00-0-1096

City Council Atlanta, Georgia

Substitute Ordinance
BY: ZONING COMMITTEE

U-94-52 (U-00-23)

AN ORDINANCE TO AMEND ORDINANCE U-94-52 ADOPTED BY CITY COUNCIL SEPTEMBER 5, 1995 AND APPROVED BY OPERATION OF LAW SEPTEMBER 13, 1995, GRANTING A SPECIAL USE PERMIT FOR A PRIVATE SCHOOL, PROPERTY LOCATED AT 774 SPRINGDALE ROAD, N.E., FOR THE PURPOSE OF APPROVING A CHANGE OF CONDITIONS.

OWNER: CURT AND CHRISTINE MANN APPLICANT: THE HOWARD SCHOOL, INC.

NPU-N COUNCIL DISTRICT 6

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That Ordinance U-94-52, adopted by City Council September 5, 1995 and approved by Operation of Law September 13, 1995 granting a Special Use Permit for a Private School, property located at 774 Springdale Road, N.E. and more particularly described by the legal description included in the attached copy of U-94-32, identified as Exhibit A, is hereby amended by deleting Condition #11 in its entirety and substituting in lieu thereof a new condition which shall read "11. That this Special Use Permit shall expire five (5) years from its date of approval and an application for an extension must be filed with City Council."

SECTION 2. That all other conditions governing the use of this property under the provisions of Special Use Permit U-94-52 shall remain in full force and effect.

SECTION 3. That Special Use Permit U-94-52 is further conditioned on the attached document identified as "Conditions for U-94-52 (U-00-23)."



SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A true dopy,

Deputy Municipal Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

September 18, 2000

September 27, 2000

Conditions for U-94-52 (U-00-23)

- 1. Keeping the gate locked whenever the play area is not being used for a supervised visit by Howard School children.
- 2. Installation of a walkway (such as steppingstones) from the school property to the play area.
- 3. Placement of at least two benches and two refuse containers on the property.
- 4. Regular maintenance of the play area by The Howard School, including mowing the lawn and empyting the refuse containers.
- 5. Maintenance of existing trees and continuous provision of adequate tree cover in compliance with the City Arborist's specifications.
- 6. The applicant acknowledges that the special use permit is for the use of the Howard School only.



Municipal Clerk Atlanta, Georgia

95- 🗘 -0069

CORRECTED COPY

AN ORDINANCE BY: ZONING COMMITTEE U-94-52 Dated Filed: 12-6-94

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. Under the provisions of Section 16-05.005(1)(I) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a <u>Private School</u> is hereby approved. Said use is granted to <u>The Howard School</u> inc. and is to be located at <u>774 Springdale Road</u>. N.E. to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 241 of the 15th District, Dekalb County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta entitled, "Special Use Permit, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A trans copy,

Shire F. Hords

Municipal Clerk, CMC

ADOPTED as amended September 05, 1995
RETURNED WITHOUT SIGNATURE BY MAYOR
APPROVED as per Section 2-403 of the 1974 Charter

Zahibit A page lofs

CORRECTED COPY

LIST OF CONDITIONS

95-O-0069 U-94-52

- 1. The existing structure is used only as a single family residence.
- 2. The rear of the property, as depicted in the site plan dated 4/14/95 and stamped received by the Bureau of Planning on April 24,1995, can only be used for recreational and academic activities with no new structures.
- 3. A 20-foot wide landscape buffer must be planted along the north property line adjacent to the area to be used by the school.
- 4. No vehicular ingress to and egress from the site for the institutional use.
- 5. No outdoor lighting or loud speakers shall be permitted.
- 6. No organized league competition.
- 7. Maintenance of existing fences on the property.
- 8. Activities are restricted to Monday thru Friday between the hours of 8 am 6 pm.
- 9. Special events are limited to four weekends per year.
- 10. This Special Use Permit is conditional on the premise that future expansion of the use permit would be detrimental to the historic character of the neighborhood.
- 11. That the Special Use Permit will expire in five years and the applicant mus reapply after that period.

Exhibit A page 2 of 5



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 241 of the 15th District, DeKalb County, Georgia, designated as part of Lot 4 of Block 3 of Druid Hills, as per plat recorded in Plat Book 16, Page 14, DeKalb County records, and being more particularly described as follows according to plat of survey prepared for "The Howard School, Inc." by Metro Engineering and Surveying Co., Inc., bearing the certification of Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, dated February 13, 1992 and revised March 6, 1992:

BEGINNING at a 1/2 inch rebar found on the western right-of-way line of Springdale Road (having a 50 foot right-of-way) which is located north 4 degrees 14 minutes 31 seconds east a distance of 197.39 feet from the intersection of said right-of-way line with the northern right-of-way line of Ponce de Leon Avenue; from said POINT OF BEGINNING running thence north 65 degrees 13 minutes 41 seconds west 141.76 feet to an iron pin placed; thence north 81 degrees 38 minutes 41 seconds west 49.42 feet to an iron pin placed; thence south 87 degrees 43 minutes 40 seconds west 186.84 feet to an iron pin placed; thence north 12 degrees 39 minutes 29 seconds west 212.93 feet to a 2 1/2 inch open top pipe found; thence south 74 degrees 45 minutes.44 seconds east 472.90 feet to a 2 inch open top pipe found on the western right-of-way line of Springdale Road; thence southerly along a curve to the left and following the curvature of said right-of-way an arc distance of 150 feet to the POINT OF BEGINNING (said are being subtended by a chord lying to the east bearing south 17 degrees 37 minutes 19 seconds west a distance of 149.66 feet); being improved property having a two-story brick house and garage located thereon, all as depicted on the aforesaid plat of survey, which is incorporated herein and made a part of this description.



824:6:4 A

MEETING 09/05/95

ID 95-O-0069

An Ordinance by Zoning Committee granting a Special Use Permit loga Private School [(Section 16-05.005(1)(g)] to be located at 774 Springdale Road, N.E. fronting approximately 150 feet on the westerly side of Springdale Road beginning 197.39 feet northerly from the northwest corner of Ponce de Leon Avenue. U-94-52 Depth: 472.90 feet; Area: 1.458 acres; Land Lot 241, 15th District, DeKalb County, Georgia. Owner: The Howard School, Inc. Applicant: The Howard School, Inc.By: Nathan V. Hendricks III, Esq. NPU: N Council District: 6 Councilmember Asher recused herself from discussion of the above legislation due to a potential perception of a conflict of interest. Chairperson Samples sounded the caption and an extensive discussion which initially focused on a list of conditions which amended the legislation during the committee process ensued. On behalf of Councilmember Davis, (absent), Councilmember Brown made a Motion to Amend and discussion continued. The Brown Motion to Amend was subsequently and properly Seconded, but FAILED by roll-call vote. Councilmember Mitchell then Moved to Amend and that Motion was properly Seconded; however, following further debate, Councilmember Muller made a Substitute Motion to Amend. The Motion was properly Seconded and following lengthy discussion and clarification the Muller amendment was Approved by voice vote. The Motion to Adopt as Amended was then Carried by roll-call vote. ADOPTED AS AMENDED ROLL CALL

SPNS Zoning	Committee
CARTFRAME#	58
REFER	07/17/95
TYPE	Ordinance
TABLED	
VETO	
ADPDATE	09/05/95
APPDATE	
WO APP	09/13/95
REF#	058
ADVDATE	
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OVERRIDE	

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COUNCIL ACTION [Zand 1st & 2nd 3rd Readings Consent Vote RC Vote	CERTIFIED SEP - 5 COUNCE PRESIDENT COUNCE PRE		MUNCIEVL CLERK OF COUNCIL MAYOR'S ACTION ADDE	
ding	Chair Actions Rav, Adv, Hold (see rev. side) Others Members	Refer To Committee	Chair Action: Fav, Adv, Held (see rev. side) Other: Members	Refer To
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- 0 -0069	An Ordinance U-94-52 by: Zoning Committee An Ordinance Granting a Special Use Permit for a Private School [(Section 16-05.005(1)(i)] to be located at ZZ4. Springdale Road. N.E. fronting approximately 150 feet on the westerly side of Springdale Road beginning 197.39 feet northerly from the northwest comer of Ponce de Leon Avenue. Depth: 472.90 feet Area: 1.458 acres	- WE'S ARALL	COUNCIL CONSENT REFER TO REGULAR REPORT REFER	□ ADVERTISE & REFER □ 1st ADOPT 2nd READ & REFER Date Referred

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Atlanta City Council

Regular Session

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y	McCarty	Y.Dorsey	Y Moore	Y	Thomas
Y	Starnes	Y Woolard	B Martin	Y	Emmons
Y	Bond	Y Morris	Y Maddox '	Y	Alexander
Υ	Winslow	Y Muller	Y Boazman	NV	Pitts